

**TROY LAW, PLLC**

ATTORNEYS / COUNSELORS AT LAW

Tel: (718) 762-1324 troylaw@troypllc.com Fax: (718) 762-1342  
41-25 Kissena Boulevard, Suite 103, Flushing, NY 11355

December 23, 2020

**Via ECF**

Hon. Loretta A. Preska, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: Emergency Motion to Compel Defense Counsel to Produce a Copy of the  
Petition for Administration of Cho Kam Sze's Estate**  
*Ye v. 2953 Broadway LLC*, No. 18-cv-4941 (LAP), (S.D.N.Y.)

Your Honor,

I represent the Plaintiffs in the above-referenced matter. I write respectfully to request that the Court compel Defense counsel to produce, by December 25, 2021, a copy of the petition for administration of Cho Kam Sze's estate that was filed with the Queen's County Surrogate's Court on or about December 10, 2020.

Defense counsel filed a suggestion of death with respect to Cho Kam Sze on December 18, 2020. On December 21, 2020, my associate Aaron Schweitzer and Defense counsel attended a conference in *Ye v. Sze*, No. 150913/2020, where Plaintiffs in this case are pursuing fraudulent conveyance claims against Mr. Sze and Bi Ying Sze, a person to whom he transferred property. Defense counsel represented to Judge Hagler that a petition for the administration of Mr. Sze's estate had been filed in New York Surrogate's Court. Later that day, at about 13:00 hours, we served subpoenas to testify and to produce documents to Bi Ying Sze, demanding among other things that "applications for temporary letters of administration" and "applications for letters of administration" be produced by January 1, 2021. We sent copies of these subpoenas to Defense counsel at 12:55 hours. We also requested copies of the petition for administration from Defense counsel at 16:30 hours on December 21, 2020.

Defense counsel stated at 16:33 hours on December 21, 2020 that he would speak with the estate council and get back to us. We reminded him to forward us a copy of the petition on December 22, 2020 at 10:54, and received no response. We tried again today at 11:03 hours. Defense counsel stated that he still needed to confer with the estate attorney and would "let [us] know if [we] need[ed] to seek the court's intervention (hopefully not) by the end of the month," because he was "presently fully engaged in completing several other proceedings before 12/31/2020."

Today, we called the Surrogate's Court and were told that the petition hadn't been scanned and assigned an index number yet, and was not available for viewing. We were also told that the petition had been filed on December 10, 2020, by estate counsel Yi Lin. Mr. Schweitzer conferred with Mr. Lin over the phone at about 12:30 hours today, and Mr. Lin refused to provide a copy of the administration petition. Mr. Lin was at his office at about 12:30 hours. We attempted to serve

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Mr. Lin a subpoena for a copy of the administration petition today at about 16:30 hours, but he had fled his office.

It is plain to see that Defense counsel and Mr. Lin are attempting to run out the 90-day clock for us to move to substitute a third party for Mr. Sze, despite already having filed a petition for administration which would designate an administrator. Once approved by the Surrogate's Court, the administrator would be a proper party. *See Hybrid Capital Group, LLC v. Padell*, No. 17-cv-06343 (KPF), Dkt. No. 72 (S.D.N.Y. Feb. 19, 2019).

Accordingly, I respectfully request that the Court compel Defense counsel to produce a copy of the petition for administration by December 25, 2021.

I thank the Court for its attention to and consideration of this matter.

Respectfully submitted,  
TROY LAW, PLLC

/s/ John Troy  
John Troy  
*Attorney for Plaintiffs*

cc: via ECF  
all counsel of record

Defense counsel shall produce a copy of the petition for administration of Cho Kam Sze's estate no later than December 25, 2020.

**SO ORDERED.**

Dated: December 24, 2020  
New York, New York

  
LORETTA A. PRESKA, U.S.D.J.